

2013
CUMULATIVE SUPPLEMENT
TO
MISSISSIPPI CODE
1972 ANNOTATED

Issued September 2013

**CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2013 REGULAR SESSION
AND 1ST AND 2ND EXTRAORDINARY SESSIONS
OF THE LEGISLATURE**

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User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.



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PUBLISHER'S FOREWORD

Statutes

The 2013 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2013 Regular Session and 1st and 2nd Extraordinary Sessions.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

- Southern Reporter, 3rd Series
- United States Supreme Court Reports
- Supreme Court Reporter
- United States Supreme Court Reports, Lawyers' Edition, 2nd Series
- Federal Reporter, 3rd Series
- Federal Supplement, 2nd Series
- Federal Rules Decisions
- Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

- American Law Reports, 6th Series
- American Law Reports, Federal 2nd
- Mississippi College Law Review
- Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

PUBLISHER'S FOREWORD

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2013 Regular Session and 1st and 2nd Extraordinary Sessions.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

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SCHEDULE OF NEW SECTIONS

Added in this Supplement

TITLE 65. HIGHWAYS, BRIDGES AND FERRIES

CHAPTER 3. State Highway System

SPECIAL DESIGNATIONS OF PORTIONS OF HIGHWAY SYSTEM AND BRIDGES

- SEC.
- 65-3-38.1. Certain restrictions on designations for highways, roads, streets and bridges.
- 65-3-71.88. "Lance Corporal Roy M. Wheat Memorial Highway" designated.
- 65-3-71.102. "Albert B. Shows Memorial Highway" designated.
- 65-3-71.193. "Blue Star Memorial Highway" designated.
- 65-3-71.194. Mississippi Highway 6 in Lee County designated "Military Order of the Purple Heart Highway."
- 65-3-71.195. "Tyler R. Kilsby and Leon Sims Memorial Highway" designated.
- 65-3-71.196. "Carlos 'Coach' McDaniel Memorial Highway" designated.
- 65-3-71.197. "Senator George Cecil McLeod, Jr., Memorial Highway" designated.
- 65-3-71.198. Mississippi Highway 6 in Panola County designated "Military Order of the Purple Heart Highway."
- 65-3-71.199. "Wyonie 'Sonny' Patterson Memorial Highway" designated.
- 65-3-71.200. "Lawrence County Veterans Highway" designated.
- 65-3-71.201. Bridge in City of Natchez designated "Veterans Memorial Bridge."
- 65-3-71.202. "Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway" designated.
- 65-3-71.203. "Adam Lee Weisenberger Memorial Interchange" designated.
- 65-3-71.204. "Arwilla Huff Davison Memorial Highway" designated.
- 65-3-71.205. "Representative William E. 'Billy' Bowles Memorial Bridge" designated.

ADDITIONS TO AND DELETIONS FROM STATE SYSTEM AFTER 1971

- 65-3-143.17. Deletion from State Highway System: Central District — Madison County — Laws, 2013, ch. 427.
- 65-3-143.18. Add segment in Central District — Madison County — to State Highway System.

CHAPTER 7. Public Roads and Streets; Private Way

ARTICLE 1. PUBLIC ROADS AND STREETS

MISSISSIPPI HIGHWAY PATROL FALLEN OFFICER'S MEMORIAL HIGHWAY ACT

- 65-7-151. Short title.
- 65-7-153. Designation of public street, road, highway or interstate upon which Highway Safety Patrol officer was killed in the line of duty as memorial roadway.

MISSISSIPPI CONGRESSIONAL MEDAL OF HONOR RECIPIENT'S MEMORIAL HIGHWAY ACT

- 65-7-171. Short title.
- 65-7-173. Placement and maintenance of signs designating memorial highways

SCHEDULE OF NEW SECTIONS

named after recipients of the Congressional Medal of Honor to include the words “Congressional Medal of Honor Recipient.”

CHAPTER 41. Mississippi Scenic Byways

ARTICLE 3. DESIGNATIONS OF OFFICIAL MISSISSIPPI SCENIC BYWAYS

SEC.

- | | |
|-----------|--|
| 65-41-67. | “Noxubee Hills Route” Scenic Byway designated. |
| 65-41-69. | “Delta Bluffs Scenic Byway” designated. |
| 65-41-71. | “Gateway to History” scenic byway designated. |

MISSISSIPPI CODE

1972

ANNOTATED

VOLUME FOURTEEN

TITLE 65

HIGHWAYS, BRIDGES AND FERRIES

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CHAPTER 1

Transportation Department

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ARTICLE 1.

IN GENERAL.

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65-1-8.	Authority and powers of the commission.
65-1-85.	Method of awarding contracts.

§ 65-1-2. Mississippi Department of Transportation.

Editor's Note — Laws of 2013, ch. 319, § 1 provides:

“SECTION 1. The Executive Director of the Mississippi Department of Transportation, on behalf of the Mississippi Transportation Commission, is authorized to donate certain real property located in Perry County, Mississippi, to the United States Forest Service or another appropriate federal agency. The property is described in Deed Book 135, Pages 513-514, Chancery Clerk's Office of Perry County, Mississippi, and is more particularly described as follows:

“The East half of Northeast quarter (known as Lot No. 1 and No. 8), Section 35, Township 1 North, Range 11 West, Perry County, Mississippi.

“Tax records of Perry County, Mississippi assess the above described lands as being 86 acres, more or less.

“**Less and except:** All that part of the East One-Half of Northeast Quarter (known as Lot No. 1 and Lot No. 8), Section 35, Township 1 North, Range 11 West, Perry County, Mississippi, lying and being situated East of Black Creek, comprising 32 acres, more or

less', as described in Deed Book 166, Pages 15-16, Chancery Clerk's Office of Perry County, Mississippi.

"Yielding an aggregate of 54 acres, more or less."

§ 65-1-3. Mississippi Transportation Commission.

Editor's Note — Laws of 2013, ch. 427, § 1 provides:

"SECTION 1. (1) The Mississippi Transportation Commission may transfer and convey by mode of donation to the City of Canton, Mississippi, all of the rights, title and interest in certain real property located within Madison County, Mississippi, the property being more particularly described as follows:

[For complete description of the property, see § 1, ch. 427, Laws of 2013]

"(2) The State of Mississippi shall retain all mineral rights in the property transferred and conveyed by mode of donation under subsection (1) of this section."

§ 65-1-8. Authority and powers of the commission.

(1) The Mississippi Transportation Commission shall have the following general powers, duties and responsibilities:

(a) To coordinate and develop a comprehensive, balanced transportation policy for the State of Mississippi;

(b) To promote the coordinated and efficient use of all available and future modes of transportation;

(c) To make recommendations to the Legislature regarding alterations or modifications in any existing transportation policies;

(d) To study means of encouraging travel and transportation of goods by the combination of motor vehicle and other modes of transportation;

(e) To take such actions as are necessary and proper to discharge its duties pursuant to the provisions of Chapter 496, Laws of 1992, and any other provision of law;

(f) To receive and provide for the expenditure of any funds made available to it by the Legislature, the federal government or any other source.

(2) In addition to the general powers, duties and responsibilities listed in subsection (1) of this section, the Mississippi Transportation Commission shall have the following specific powers:

(a) To make rules and regulations whereby the Transportation Department shall change or relocate any and all highways herein or hereafter fixed as constituting a part of the state highway system, as may be deemed necessary or economical in the construction or maintenance thereof; to acquire by gift, purchase, condemnation or otherwise, land or other property whatsoever that may be necessary for a state highway system as herein provided, with full consideration to be given to the stimulation of local public and private investment when acquiring such property in the vicinity of Mississippi towns, cities and population centers;

(b) To enforce by mandamus, or other proper legal remedies, all legal rights or rights of action of the Mississippi Transportation Commission with other public bodies, corporations or persons;

(c) To make and publish rules, regulations and ordinances for the control of and the policing of the traffic on the state highways, and to prevent their abuse by any or all persons, natural or artificial, by trucks, tractors, trailers or any other heavy or destructive vehicles or machines, or by any other means whatsoever, by establishing weights of loads or of vehicles, types of tires, width of tire surfaces, length and width of vehicles, with reasonable variations to meet approximate weather conditions, and all other proper police and protective regulations, and to provide ample means for the enforcement of same. The violation of any of the rules, regulations or ordinances so prescribed by the commission shall constitute a misdemeanor. No rule, regulation or ordinance shall be made that conflicts with any statute now in force or which may hereafter be enacted, or with any ordinance of municipalities. A monthly publication giving general information to the boards of supervisors, employees and the public may be issued under such rules and regulations as the commission may determine;

(d) To give suitable numbers to highways and to change the number of any highway that shall become a part of the state highway system. However, nothing herein shall authorize the number of any highway to be changed so as to conflict with any designation thereof as a U.S. numbered highway. Where, by a specific act of the Legislature, the commission has been directed to give a certain number to a highway, the commission shall not have the authority to change such number;

(e)(i) To make proper and reasonable rules, regulations, and ordinances for the placing, erection, removal or relocation of telephone, telegraph or other poles, signboards, fences, gas, water, sewerage, oil or other pipelines, and other obstructions that may, in the opinion of the commission, contribute to the hazards upon any of the state highways, or in any way interfere with the ordinary travel upon such highways, or the construction, reconstruction or maintenance thereof, and to make reasonable rules and regulations for the proper control thereof. Any violation of such rules or regulations or noncompliance with such ordinances shall constitute a misdemeanor;

(ii) Except as otherwise provided for in this paragraph, whenever the order of the commission shall require the removal of, or other changes in the location of telephone, telegraph or other poles, signboards, gas, water, sewerage, oil or other pipelines; or other similar obstructions on the right-of-way or such other places where removal is required by law, the owners thereof shall at their own expense move or change the same to conform to the order of the commission. Any violation of such rules or regulations or noncompliance with such orders shall constitute a misdemeanor;

(iii) Rural water districts, rural water systems, nonprofit water associations and municipal public water systems in municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of water and sewer lines and facilities constructed

or in place in the rights-of-way of state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2002, shall be paid by the Department of Transportation;

(iv) Municipal public sewer systems and municipal gas systems owned by municipalities with a population of ten thousand (10,000) or less, according to the latest federal decennial census, shall not be required to bear the cost and expense of removal and relocation of lines and facilities constructed or in place in the rights-of-way of state highways. The cost and expense of such removal and relocation, including any unpaid prior to July 1, 2003, shall be paid by the Department of Transportation;

(f) To regulate and abandon grade crossings on any road fixed as a part of the state highway system, and whenever the commission, in order to avoid a grade crossing with the railroad, locates or constructs said road on one side of the railroad, the commission shall have the power to abandon and close such grade crossing, and whenever an underpass or overhead bridge is substituted for a grade crossing, the commission shall have power to abandon such grade crossing and any other crossing adjacent thereto. Included in the powers herein granted shall be the power to require the railroad at grade crossings, where any road of the state highway system crosses the same, to place signal posts with lights or other warning devices at such crossings at the expense of the railroad, and to regulate and abandon underpass or overhead bridges and, where abandoned because of the construction of a new underpass or overhead bridge, to close such old underpass or overhead bridge, or, in its discretion, to return the same to the jurisdiction of the county board of supervisors;

(g) To make proper and reasonable rules and regulations to control the cutting or opening of the road surfaces for subsurface installations;

(h) To make proper and reasonable rules and regulations for the removal from the public rights-of-way of any form of obstruction, to cooperate in improving their appearance, and to prescribe minimum clearance heights for seed conveyors, pipes, passageways or other structure of private or other ownership above the highways;

(i) To establish, and have the Transportation Department maintain and operate, and to cooperate with the state educational institutions in establishing, enlarging, maintaining and operating a laboratory or laboratories for testing materials and for other proper highway purposes;

(j) To provide, under the direction and with the approval of the Department of Finance and Administration, suitable offices, shops and barns in the City of Jackson;

(k) To establish and have enforced set-back regulations;

(l) To cooperate with proper state authorities in producing limerock for highway purposes and to purchase same at cost;

(m) To provide for the purchase of necessary equipment and vehicles and to provide for the repair and housing of same, to acquire by gift, purchase, condemnation or otherwise, land or lands and buildings in fee simple, and to authorize the Transportation Department to construct, lease

or otherwise provide necessary and proper permanent district offices for the construction and maintenance divisions of the department, and for the repair and housing of the equipment and vehicles of the department; however, in each Supreme Court district only two (2) permanent district offices shall be set up, but a permanent status shall not be given to any such offices until so provided by act of the Legislature and in the meantime, all shops of the department shall be retained at their present location. As many local or subdistrict offices, shops or barns may be provided as is essential and proper to economical maintenance of the state highway system;

(n) To cooperate with the Department of Archives and History in having placed and maintained suitable historical markers, including those which have been approved and purchased by the State Historical Commission, along state highways, and to have constructed and maintained roadside driveways for convenience and safety in viewing them when necessary;

(o) To cooperate, in its discretion, with the Mississippi Department of Wildlife, Fisheries and Parks in planning and constructing roadside parks upon the right-of-way of state highways, whether constructed, under construction, or planned; said parks to utilize where practical barrow pits used in construction of state highways for use as fishing ponds. Said parks shall be named for abundant flora and fauna existing in the area or for the first flora or fauna found on the site;

(p) Unless otherwise prohibited by law, to make such contracts and execute such instruments containing such reasonable and necessary appropriate terms, provisions and conditions as in its absolute discretion it may deem necessary, proper or advisable, for the purpose of obtaining or securing financial assistance, grants or loans from the United States of America or any department or agency thereof, including contracts with several counties of the state pertaining to the expenditure of such funds;

(q) To cooperate with the Federal Highway Administration in the matter of location, construction and maintenance of the Great River Road, to expend such funds paid to the commission by the Federal Highway Administration or other federal agency, and to authorize the Transportation Department to erect suitable signs marking this highway, the cost of such signs to be paid from state highway funds other than earmarked construction funds;

(r) To cooperate, in its discretion, with the Mississippi Forestry Commission and the School of Forestry, Mississippi State University, in a forestry management program, including planting, thinning, cutting and selling, upon the right-of-way of any highway, constructed, acquired or maintained by the Transportation Department, and to sell and dispose of any and all growing timber standing, lying or being on any right-of-way acquired by the commission for highway purposes in the future; such sale or sales to be made in accordance with the sale of personal property which has become unnecessary for public use as provided for in Section 65-1-123, Mississippi Code of 1972;

(s) To expend funds in cooperation with the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, the United States

government or any department or agency thereof, or with any department or agency of this state, to control, suppress or eradicate serious insect pests, rodents, plant parasites and plant diseases on the state highway rights-of-way;

(t) To provide for the placement, erection and maintenance of motorist services business signs and supports within state highway rights-of-way in accordance with current state and federal laws and regulations governing the placement of traffic control devices on state highways, and to establish and collect reasonable fees from the businesses having information on such signs;

(u) To request and to accept the use of persons convicted of an offense, whether a felony or a misdemeanor, for work on any road construction, repair or other project of the Transportation Department. The commission is also authorized to request and to accept the use of persons who have not been convicted of an offense but who are required to fulfill certain court-imposed conditions pursuant to Section 41-29-150(d)(1) or 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention Act, being Sections 99-15-101 through 99-15-127, Mississippi Code of 1972. The commission is authorized to enter into any agreements with the Department of Corrections, the State Parole Board, any criminal court of this state, and any other proper official regarding the working, guarding, safekeeping, clothing and subsistence of such persons performing work for the Transportation Department. Such persons shall not be deemed agents, employees or involuntary servants of the Transportation Department while performing such work or while going to and from work or other specified areas;

(v) To provide for the administration of the railroad revitalization program pursuant to Section 57-43-1 et seq.;

(w) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of service pins for employees of the Mississippi Transportation Department;

(x) To cooperate with the State Tax Commission by providing for weight enforcement field personnel to collect and assess taxes, fees and penalties and to perform all duties as required pursuant to Section 27-55-501 et seq., Sections 27-19-1 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq., Mississippi Code of 1972, with regard to vehicles subject to the jurisdiction of the Office of Weight Enforcement. All collections and assessments shall be transferred daily to the State Tax Commission;

(y) The Mississippi Transportation Commission may delegate the authority to enter into a supplemental agreement to a contract previously approved by the commission if the supplemental agreement involves an additional expenditure not to exceed One Hundred Thousand Dollars (\$100,000.00);

(z)(i) The Mississippi Transportation Commission, in its discretion, may enter into agreements with any county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, for the purpose of accelerating the completion date of scheduled highway construction projects.

(ii) Such an agreement may permit the cost of a highway construction project to be advanced to the commission by a county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, and repaid to such entity by the commission when highway construction funds become available; provided, however, that repayment of funds advanced to the Mississippi Transportation Commission shall be made no sooner than the commission's identified projected revenue schedule for funding of that particular construction project, and no other scheduled highway construction project established by statute or by the commission may be delayed by an advanced funding project authorized under this paragraph (z). Repayments to a private entity that advances funds to the Mississippi Transportation Commission under this paragraph (z) may not include interest or other fees or charges, and the total amount repaid shall not exceed the total amount of funds advanced to the commission by the entity.

(iii) In considering whether to enter into such an agreement, the commission shall consider the availability of financial resources, the effect of such agreement on other ongoing highway construction, the urgency of the public's need for swift completion of the project and any other relevant factors.

(iv) Such an agreement shall be executed only upon a finding by the commission, spread upon its minutes, that the acceleration of the scheduled project is both feasible and beneficial. The commission shall also spread upon its minutes its findings with regard to the factors required to be considered pursuant to subparagraph (iii) of this paragraph (z);

(aa) The Mississippi Transportation Commission, in its discretion, may purchase employment practices liability insurance, and may purchase an excess policy to cover catastrophic losses incurred under the commission's self-insured workers' compensation program authorized under Section 71-3-5. Such policies shall be written by the agent or agents of a company or companies authorized to do business in the State of Mississippi. The deductibles shall be in an amount deemed reasonable and prudent by the commission, and the premiums thereon shall be paid from the State Highway Fund. Purchase of insurance under this paragraph shall not serve as an actual or implied waiver of sovereign immunity or of any protection afforded the commission under the Mississippi Tort Claims Act;

(bb) The Mississippi Transportation Commission is further authorized, in its discretion, to expend funds for the purchase of promotional materials for safety purposes, highway beautification purposes and recruitment purposes;

(cc) To lease antenna space on communication towers which it owns;

(dd) To receive funds from the Southeastern Association of Transportation Officials and from other nonstate sources and expend those funds for educational scholarships in transportation related fields of study. The commission may adopt rules or regulations as necessary for the implementation of the program. A strict accounting shall be made of all funds deposited with the commission and all funds dispersed.

SOURCES: Laws, 1981, ch. 464, § 2; Laws, 1983, ch. 395, § 1; Laws, 1984, ch. 305, § 2; Laws, 1984, ch. 495, § 32; Laws, 1985, ch. 474, § 55; Laws, 1986, ch. 438, § 46; Laws, 1987, ch. 483, § 47; Laws, 1988, ch. 442, § 44; Laws, 1989, ch. 537, § 42; Laws, 1990, ch. 377, § 1; Laws, 1990, ch. 518, § 43; Laws, 1991, ch. 530, § 9; Laws, 1991, ch. 618, § 43; Laws, 1992, ch. 491 § 45; Laws, 1992, ch. 496, § 5; Laws, 1994, ch. 491, § 1; Laws, 1999, ch. 461, § 45; Laws, 2000, ch. 474, § 1; Laws, 2002, ch. 325, § 1; Laws, 2002, ch. 556, § 6; Laws, 2003, ch. 354, § 1; Laws, 2003, ch. 457, § 1; Laws, 2003, ch. 463, § 1; Laws, 2003, ch. 564, § 2; Laws, 2004, ch. 562, § 3; Laws, 2005, ch. 306, § 1; Laws, 2013, ch. 468, § 1, eff from and after passage (approved Mar. 26, 2013.)

Amendment Notes — The 2013 amendment substituted “subparagraph” for “item” preceding “(iii) of this paragraph (z)” at the end of (2)(z)(iv); added (2)(dd); and made a related change.

§ 65-1-65. Maintenance.

JUDICIAL DECISIONS

2. Immunity.

Mississippi Department of Transportation (MDOT) was immune from suit under Miss. Code Ann. § 11-46-9(1)(d) as Miss. Code Ann. § 65-1-65 did not impose any specific directives as to the time, manner, and conditions for carrying out MDOT's

duty to maintain highways, and the duty to remove trees from the right-of-way was discretionary; MDOT was not liable for the driver's injuries arising out of road maintenance. *Little v. Miss. DOT*, — So. 3d —, 2012 Miss. App. LEXIS 627 (Miss. Ct. App. Oct. 9, 2012).

§ 65-1-85. Method of awarding contracts.

(1) All contracts by or on behalf of the commission for the purchase of materials, equipment and supplies shall be made in compliance with Section 31-7-1 et seq. All contracts by or on behalf of the commission for construction, reconstruction or other public work authorized to be done under the provisions of this chapter, except maintenance, shall be made by the executive director, subject to the approval of the commission, only upon competitive bids after due advertisement as follows, to wit:

(a) Advertisement for bids shall be in accordance with such rules and regulations, in addition to those herein provided, as may be adopted therefor by the commission, and the commission is authorized and empowered to make and promulgate such rules and regulations as it may deem proper, to provide and adopt standard specifications for road and bridge construction, and to amend such rules and regulations from time to time.

(b) The advertisement shall be inserted twice, being once a week for two (2) successive weeks in a newspaper published at the seat of government in Jackson, Mississippi, having a general circulation throughout the state, and no letting shall be less than fourteen (14) days nor more than sixty (60) days after the publication of the first notice of such letting, and notices of such letting may be placed in a metropolitan paper or national trade publication.

(c) Before advertising for such work, the executive director shall cause to be prepared and filed in the department detailed plans and specifications

covering the work proposed to be done and copies of the plans and specifications shall be subject to inspection by any citizen during all office hours and made available to all prospective bidders upon such reasonable terms and conditions as may be required by the commission. A fee shall be charged equal to the cost of producing a copy of any such plans and specifications.

(d) All such contracts shall be let to a responsible bidder with the lowest and best bid, and a record of all bids received for construction and reconstruction shall be preserved.

(e) Each bid for such a construction and reconstruction contract must be accompanied by a cashier's check, a certified check or bidders bond executed by a surety company authorized to do business in the State of Mississippi, in the principal amount of not less than five percent (5%) of the bid, guaranteeing that the bidder will give bond and enter into a contract for the faithful performance of the contract according to plans and specifications on file.

(f) Bonds shall be required of the successful bidder in an amount equal to the contract price. The contract price shall mean the entire cost of the particular contract let. In the event change orders are made after the execution of a contract which results in increasing the total contract price, additional bond in the amount of the increased cost may be required. The surety or sureties on such bonds shall be a surety company or surety companies authorized to do business in the State of Mississippi, all bonds to be payable to the State of Mississippi and to be conditioned for the prompt, faithful and efficient performance of the contract according to plans and specifications, and for the prompt payment of all persons furnishing labor, material, equipment and supplies therefor. Such bonds shall be subject to the additional obligation that the principal and surety or sureties executing the same shall be liable to the state in a civil action instituted by the state at the instance of the commission or any officer of the state authorized in such cases, for double any amount in money or property the state may lose or be overcharged or otherwise defrauded of by reason of any wrongful or criminal act, if any, of the contractor, his agent or employees.

(2) With respect to equipment used in the construction, reconstruction or other public work authorized to be done under the provisions of this chapter: the word "equipment," in addition to all equipment incorporated into or fully consumed in connection with such project, shall include the reasonable value of the use of all equipment of every kind and character and all accessories and attachments thereto which are reasonably necessary to be used and which are used in carrying out the performance of the contract, and the reasonable value of the use thereof, during the period of time the same are used in carrying out the performance of the contract, shall be the amount as agreed upon by the persons furnishing the equipment and those using the same to be paid therefor, which amount, however, shall not be in excess of the maximum current rates and charges allowable for leasing or renting as specified in Section 65-7-95; the word "labor" shall include all work performed in repairing equipment used in carrying out the performance of the contract, which repair

labor is reasonably necessary to the efficient operation of said equipment; and the words “materials” and “supplies” shall include all repair parts installed in or on equipment used in carrying out the performance of the contract, which repair parts are reasonably necessary to the efficient operation of said equipment.

(3) The executive director, subject to the approval of the commission, shall have the right to reject any and all bids, whether such right is reserved in the notice or not.

(4) The commission may require the prequalification of any and all bidders and the failure to comply with prequalification requirements may be the basis for the rejection of any bid by the commission. The commission may require the prequalification of any and all subcontractors before they are approved to participate in any contract awarded under this section.

(5) The commission may adopt rules and regulations for the termination of any previously awarded contract which is not timely proceeding toward completion. The failure of a contractor to comply with such rules and regulations shall be a lawful basis for the commission to terminate the contract with such contractor. In the event of a termination under such rules and regulations, the contractor shall not be entitled to any payment, benefit or damages beyond the cost of the work actually completed.

(6) Any contract for construction or paving of any highway may be entered into for any cost which does not exceed the amount of funds that may be made available therefor through bond issues or from other sources of revenue, and the letting of contracts for such construction or paving shall not necessarily be delayed until the funds are actually on hand, provided authorization for the issuance of necessary bonds has been granted by law to supplement other anticipated revenue, or when the department certifies to the Department of Finance and Administration and the Legislative Budget Office that projected receipts of funds by the department will be sufficient to pay such contracts as they become due and the Department of Finance and Administration determines that the projections are reasonable and receipts will be sufficient to pay the contracts as they become due. The Department of Finance and Administration shall spread such determination on its minutes prior to the letting of any contracts based on projected receipts. Nothing in this subsection shall prohibit the issuance of bonds, which have been authorized, at any time in the discretion of the State Bond Commission, nor to prevent investment of surplus funds in United States government bonds or State of Mississippi bonds as presently authorized by Section 12, Chapter 312, Laws of 1956.

(7) All other contracts for work to be done under the provisions of this chapter and for the purchase of materials, equipment and supplies to be used as provided for in this chapter shall be made in compliance with Section 31-7-1 et seq.

(8) The commission shall not empower or authorize the executive director, or any one or more of its members, or any engineer or other person to let or make contracts for the construction or repair of public roads, or building bridges, or for the purchase of material, equipment or supplies contrary to the

provisions of this chapter as set forth in this section, except in cases of flood or other cases of emergency where the public interest requires that the work be done or the materials, equipment or supplies be purchased without the delay incident to advertising for competitive bids. Such emergency contracts may be made without advertisement under such rules and regulations as the commission may prescribe.

(9) The executive director, subject to the approval of the commission, is authorized to negotiate and make agreements with communities and/or civic organizations for landscaping, beautification and maintenance of highway rights-of-way; however, nothing in this subsection shall be construed as authorization for the executive director or commission to participate in such a project to an extent greater than the average cost for maintenance of shoulders, backslopes and median areas with respect thereto.

(10) The executive director may negotiate and enter into contracts with private parties for the mowing of grass and trimming of vegetation on the rights-of-way of state highways whenever such practice is possible and cost effective.

(11)(a) As an alternative to the method of awarding contracts as otherwise provided in this section, the commission may use the design-build method of contracting for the following:

(i) Projects for the Mississippi Development Authority pursuant to agreements between both governmental entities;

(ii) Any project with an estimated cost of not more than Ten Million Dollars (\$10,000,000.00), not to exceed two (2) projects per fiscal year; and

(iii) Any project which has an estimated cost of more than Ten Million Dollars (\$10,000,000.00), not to exceed one (1) project per fiscal year.

(b) As used in this subsection, the term “design-build” method of contracting means a contract that combines the design and construction phases of a project into a single contract and the contractor is required to satisfactorily perform, at a minimum, both the design and construction of the project.

(c) The commission shall establish detailed criteria for the selection of the successful design-build contractor in each request for design-build proposals. The evaluation of the selection committee is a public record and shall be maintained for a minimum of ten (10) years after project completion.

(d) The commission shall maintain detailed records on projects separate and apart from its regular record keeping. The commission shall file a report to the Legislature evaluating the design-build method of contracting by comparing it to the low-bid method of contracting. At a minimum, the report must include:

(i) The management goals and objectives for the design-build system of management;

(ii) A complete description of the components of the design-build management system, including a description of the system the department put into place on all projects managed under the system to insure that it has the complete information on highway segment costs and to

insure proper analysis of any proposal the commission receives from a highway contractor;

(iii) The accountability systems the Transportation Department established to monitor any design-build project's compliance with specific goals and objectives for the project;

(iv) The outcome of any project or any interim report on an ongoing project let under a design-build management system showing compliance with the goals, objectives, policies and procedures the department set for the project; and

(v) The method used by the department to select projects to be let under the design-build system of management and all other systems, policies and procedures that the department considered as necessary components to a design-build management system.

(e) All contracts let under the provisions of this subsection shall be subject to oversight and review by the State Auditor. The State Auditor shall file a report with the Legislature on or before January 1 of each year detailing his findings with regard to any contract let or project performed in violation of the provisions of this subsection. The actual and necessary expenses incurred by the State Auditor in complying with this paragraph (e) shall be paid for and reimbursed by the Mississippi Department of Transportation out of funds made available for the contract or contracts let and project or projects performed.

(12) The provisions of this section shall not be construed to prohibit the commission from awarding or entering into contracts for the design, construction and financing of toll roads, highways and bridge projects as provided under Sections 65-43-1 and 65-43-3.

SOURCES: Codes, 1930, § 5009; 1942, § 8041; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 17; Laws, 1958, ch. 370; Laws, 1968, ch. 507, § 1; Laws, 1970, ch. 439, § 1; Laws, 1973, ch. 418, § 1; Laws, 1981, ch. 542, § 2; Laws, 1984, ch. 317; Laws, 1984, ch. 488, § 265; Laws, 1986, ch. 498; Laws, 1991, ch. 544, § 1; Laws, 1998, ch. 357, § 1; Laws, 2003, ch. 564, § 1; Laws, 2004, ch. 542, § 1; Laws, 2007, ch. 582, § 23; Laws, 2013, ch. 431, § 1, eff from and after passage (approved Mar. 21, 2013.)

Amendment Notes — The 2013 amendment substituted “Ten Million Dollars (\$10,000,000.00)” for “Fifty Million Dollars (\$50,000,000.00)” in (11)(a)(iii).

CHAPTER 3

State Highway System

Special Designations of Portions of Highway System and Bridges	65-3-38
Additions to and Deletions from State System after 1971	65-3-72

SPECIAL DESIGNATIONS OF PORTIONS OF HIGHWAY SYSTEM AND BRIDGES

SEC.	
65-3-38.1.	Certain restrictions on designations for highways, roads, streets and bridges.
65-3-71.88.	"Lance Corporal Roy M. Wheat Memorial Highway" designated.
65-3-71.102.	"Albert B. Shows Memorial Highway" designated.
65-3-71.193.	"Blue Star Memorial Highway" designated.
65-3-71.194.	Mississippi Highway 6 in Lee County designated "Military Order of the Purple Heart Highway."
65-3-71.195.	"Tyler R. Kilsby and Leon Sims Memorial Highway" designated.
65-3-71.196.	"Carlos 'Coach' McDaniel Memorial Highway" designated.
65-3-71.197.	"Senator George Cecil McLeod, Jr., Memorial Highway" designated.
65-3-71.198.	Mississippi Highway 6 in Panola County designated "Military Order of the Purple Heart Highway."
65-3-71.199.	"Wyonie 'Sonny' Patterson Memorial Highway" designated.
65-3-71.200.	"Lawrence County Veterans Highway" designated.
65-3-71.201.	Bridge in City of Natchez designated "Veterans Memorial Bridge."
65-3-71.202.	"Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway" designated.
65-3-71.203.	"Adam Lee Weisenberger Memorial Interchange" designated.
65-3-71.204.	"Arwilla Huff Davison Memorial Highway" designated.
65-3-71.205.	"Representative William E. 'Billy' Bowles Memorial Bridge" designated.

§ 65-3-38.1. Certain restrictions on designations for highways, roads, streets and bridges.

(1) No highway, road, street or bridge on the designated state highway system may be named after any person elected by the people to any public office in this state during the term of such person's office or for a period of ten (10) years after such person no longer served in any such office.

(2) No legislation shall be enacted by the Legislature naming any highway, road, street or bridge on the designated state highway system after any person unless the governing body of each county and municipality where the highway, road, street or bridge is located duly adopts a resolution requesting the Legislature to enact such legislation and files a certified copy of such resolution with the Chairman of the Senate or House Committee to which such legislation is referred.

(3) The provisions of this section shall not apply to Sections 65-7-151 and 65-7-153.

SOURCES: Laws, 2002, ch. 556, § 5; Laws, 2013, ch. 342, § 3, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added (3).

§ 65-3-71.88. “Lance Corporal Roy M. Wheat Memorial Highway” designated.

(1) That portion of Interstate Highway 59 located in Forrest County and in Jones County from the Forrest/Jones County line northerly to its intersection with 16th Street within the City of Laurel is designated and shall be known as the “Lance Corporal Roy M. Wheat Memorial Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2004, ch. 592, § 2; Laws, 2013, ch. 544, § 2, eff from and after passage (approved Apr. 25, 2013.)

Amendment Notes — The 2013 amendment substituted “Forrest County and in Jones County from the Forrest/Jones County line northerly to its intersection with 16th Street within the City of Laurel” for “Forrest and Jones Counties” in (1).

§ 65-3-71.102. “Albert B. Shows Memorial Highway” designated.

(1) That segment of U.S. Highway 29 in Jones County, beginning at the Jones/Perry County line and extending to the southern city limits of Ellisville is designated and shall be known as the “Albert B. Shows Memorial Highway.”

(2)(a) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

(b) The Mississippi Department of Transportation is directed to relocate the signage placed by the cemetery at the southern city limits of Ellisville on Mississippi Highway 29 to approximately one hundred (100) yards south of Augusta Road on the Interstate 59 and Mississippi Highway 590 bypass.

SOURCES: Laws, 2006, ch. 310, § 2; Laws, 2013, ch. 314, § 1, eff from and after passage (approved Mar. 7, 2013.)

Amendment Notes — The 2013 amendment inserted the subdivision designator (a) in (2) and added (2)(b).

§ 65-3-71.138. “Van T. Barfoot Medal of Honor Highway” designated.

Cross References — Signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words “Congressional Medal of Honor Recipient,” see § 65-7-173.

§ 65-3-71.140. “Jack Lucas Medal of Honor Memorial Highway” designated.

Cross References — Signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words “Congressional Medal of Honor Recipient,” see § 65-7-173.

§ 65-3-71.165. Mississippi Highway 6 in Pontotoc County designated “Military Order of the Purple Heart Highway.”

Editor’s Note — This section heading has been amended, as set out above, with the approval of the co-counsel for the Joint Legislative Committee of Compilation, Revision and Publication of Legislation.

§ 65-3-71.189. Mississippi Highway 6 in Lafayette County designated “Military Order of the Purple Heart Highway.”

Editor’s Note — This section heading has been amended, as set out above, with the approval of the co-counsel for the Joint Legislative Committee of Compilation, Revision and Publication of Legislation.

§ 65-3-71.193. “Blue Star Memorial Highway” designated.

(1) That portion of Mississippi Highway 25 and Mississippi 15 that converges and overlaps within the corporate limits of the City of Louisville, Mississippi, is designated as “Blue Star Memorial Highway” in honor and in gratitude and appreciation for the contributions and sacrifices of the Armed Forces that have defended the United States of America.

(2) The Mississippi Department of Transportation shall erect suitable markers along that portion of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 315, § 1, eff from and after passage (approved Mar. 7, 2013.)

§ 65-3-71.194. Mississippi Highway 6 in Lee County designated “Military Order of the Purple Heart Highway.”

(1) That segment of Mississippi Highway 6 within Lee County, Mississippi, is designated and shall be known as the “Military Order of the Purple Heart Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

SOURCES: Laws, 2013, ch. 317, § 1, eff from and after July 1, 2013.

§ 65-3-71.195. “Tyler R. Kilsby and Leon Sims Memorial Highway” designated.

(1) That reconstructed segment of Mississippi Highway 11 in Lamar County beginning where Mississippi Highway 11 intersects the Norfolk Southern Railroad and extending one thousand eight hundred forty feet (1,840) is designated and shall be known as the Tyler R. Kilsby and Leon Sims Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of highway.

SOURCES: Laws, 2013, ch. 326, § 1, eff from and after July 1, 2013.

§ 65-3-71.196. “Carlos ‘Coach’ McDaniel Memorial Highway” designated.

(1) That segment of Mississippi Highway 590 from U.S. Interstate 59 east to Augusta Road including the Highway 590/29 Bypass in Jones County, is designated and shall be known as the Carlos “Coach” McDaniel Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of highway.

SOURCES: Laws, 2013, ch. 326, § 2, eff from and after July 1, 2013.

§ 65-3-71.197. “Senator George Cecil McLeod, Jr., Memorial Highway” designated.

(1) That segment of Mississippi Highway 63 beginning at the boundary between George County and Greene County and extending northerly to the overpass at Mississippi Highway 163 is designated and shall be known as the “Senator George Cecil McLeod, Jr., Memorial Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 335, § 1, eff from and after July 1, 2013.

§ 65-3-71.198. Mississippi Highway 6 in Panola County designated “Military Order of the Purple Heart Highway.”

(1) That segment of Mississippi Highway 6 within Panola County, Mississippi, shall be known and designated as the “Military Order of the Purple Heart Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 337, § 2, eff from and after passage (approved Mar. 14, 2013.)

§ 65-3-71.199. “Wyonie ‘Sonny’ Patterson Memorial Highway” designated.

(1) That segment of Mississippi Highway 29 (Holly Street) beginning at the intersection with U.S. Highway 11 and extending southeasterly to the intersection with Church Street is designated and shall be known as the “Wyonie ‘Sonny’ Patterson Memorial Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 375, § 1, eff from and after July 1, 2013.

§ 65-3-71.200. “Lawrence County Veterans Highway” designated.

(1) That segment of U.S. Highway 184 beginning at the intersection with U.S. Highway 84 west of the City of Monticello and extending to the intersection with U.S. Highway 84 east of the City of Monticello is designated and shall be known as the “Lawrence County Veterans Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 374, § 1, eff from and after July 1, 2013.

§ 65-3-71.201. Bridge in City of Natchez designated “Veterans Memorial Bridge.”

(1) That flyover bridge in the Mississippi Department of Transportation Project at the intersection of U.S. Highway 61 and Devereaux Drive in the City of Natchez in Adams County is designated and shall be known as the “Veterans Memorial Bridge.”

(2) The Mississippi Department of Transportation shall erect and maintain an appropriate plaque at each end of the bridge, and suitable markers along and approaching the bridge, reflecting its name.

SOURCES: Laws, 2013, ch. 377, § 1, eff from and after passage (approved Mar. 20, 2013.)

§ 65-3-71.202. “Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway” designated.

(1) That segment of Mississippi Highway 4 within Prentiss County, Mississippi, beginning at the Prentiss/Tishomingo County line and extending to the intersection of Mississippi Highway 4 and Mississippi Highway 371 is

designated and shall be known as the “Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

SOURCES: Laws, 2013, ch. 373, § 1, eff from and after July 1, 2013.

§ 65-3-71.203. “Adam Lee Weisenberger Memorial Interchange” designated.

(1) The Gluckstadt interchange on Interstate 55 in Madison County, Mississippi, is designated and shall be known as the “Adam Lee Weisenberger Memorial Interchange.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

SOURCES: Laws, 2013, ch. 393, § 1, eff from and after July 1, 2013.

§ 65-3-71.204. “Arwilla Huff Davison Memorial Highway” designated.

(1) That portion of Interstate Highway 59 located in Jones County from the Jones/Jasper County line southerly to the Beacon Street exit within the City of Laurel is designated and shall be known as the “Arwilla Huff Davison Memorial Highway.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs, both within Jones County and within the City of Laurel, along and approaching the segment of highway described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 544, § 1, eff from and after passage (approved Apr. 25, 2013.)

§ 65-3-71.205. “Representative William E. ‘Billy’ Bowles Memorial Bridge” designated.

(1) The bridge on Mississippi Highway 15 in Chickasaw County within the City of Houston at its intersection with Mississippi Highway 8 is designated and shall be known as the “Representative William E. ‘Billy’ Bowles Memorial Bridge.”

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs and markers along and approaching, and at each end of, the bridge described in subsection (1) of this section.

SOURCES: Laws, 2013, ch. 561, § 1, eff from and after July 1, 2013.

ADDITIONS TO AND DELETIONS FROM STATE SYSTEM AFTER 1971

SEC.

- 65-3-143.17. Deletion from State Highway System: Central District — Madison County — Laws, 2013, ch. 427.
- 65-3-143.18. Add segment in Central District — Madison County — to State Highway System.

§ 65-3-143.17. Deletion from State Highway System: Central District — Madison County — Laws, 2013, ch. 427.

The following segment of highway is deleted from the state highway system, removed from the jurisdiction of the Mississippi Transportation Commission and returned to the jurisdiction of the Mayor and Board of Aldermen of the City of Canton, Madison County, Mississippi:

Central District — Madison County:

Mississippi 16 beginning at its intersection with U.S. 51 and extending easterly to its intersection with U.S. 43 on the east side of the City of Canton.

SOURCES: Laws, 2013, ch. 427, § 2, eff from and after July 1, 2013.

§ 65-3-143.18. Add segment in Central District — Madison County — to State Highway System.

(1) The following segment of highway is designated as a state highway and placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance; and such highway, together with the highways designated in Section 65-3-3, and all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

Central District — Madison County:

That segment of newly constructed highway extending from U.S. 51 and extending easterly to its intersection with U.S. 43 (MDOT Project NCPD-6993-00(001)/104137-301000), on the east side of the City of Canton, which shall be designated as a part of Mississippi 16.

(2) The Mississippi Transportation Commission shall take over and assume responsibility for construction and maintenance of the segment of highway described in subsection (1).

SOURCES: Laws, 2013, ch. 427, § 3, eff from and after July 1, 2013.

CHAPTER 4

Economic Development Highway Act

SEC.

- 65-4-5. Definitions.

§ 65-4-5. Definitions.

(1) The following words when used in this chapter shall have the meanings herein ascribed unless the context otherwise clearly requires:

- (a) “Board” means the Mississippi Development Authority;
- (b) “Department” means the Mississippi Department of Transportation;
- (c) “High economic benefit project” means:

- (i) Any new investment by a private company with capital investments in land, buildings, depreciable fixed assets and improvements of at least Seventy Million Dollars (\$70,000,000.00);

- (ii) Any new investment of at least Twenty Million Dollars (\$20,000,000.00) by a private company having capital investments in this state in land, buildings, depreciable fixed assets and improvements of at least One Billion Dollars (\$1,000,000,000.00) in the aggregate;

- (iii) Public investment of at least One Hundred Million Dollars (\$100,000,000.00) to take place over a specified period of time and in accordance with a master plan duly adopted by the controlling political subdivision;

- (iv) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) private companies upon land that is adjacent whenever the new investments of both companies are at least Sixty Million Dollars (\$60,000,000.00) in the aggregate, and such new investments by both private companies provide for the employment of at least five hundred (500) employees in the aggregate;

- (v) Any project which would benefit from the construction of any highway bypass which would aid in economic development and would provide an alternate route to avoid an existing route which underpasses a railroad and which would aid in existing or proposed industry;

- (vi) Any master planned community;

- (vii) Any new investments in land, buildings, depreciable fixed assets and improvements by not more than three (3) private companies physically located within a one-half-mile radius of each other whenever the new investments of such companies are at least Sixty Million Dollars (\$60,000,000.00) in the aggregate, and such new investments by such companies provide for the employment of at least three hundred (300) new employees in the aggregate;

- (viii) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) or more private companies upon lands originally adjacent, but now divided by a four-lane state highway and bordered by a two-lane state highway, and the new investments of the companies are at least Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a portion of such new investment will be utilized for the construction of a hospital;

- (ix) [Repealed]

- (x) Any project as defined in Section 57-75-5(f)(xxi); however, the term “high economic benefit project” does not include the construction of Mississippi Highway 348;

(xi) Any project as defined in Section 17-25-17;

(xii) Any project which would allow access to a national intermodal facility with a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00) that is located within five (5) miles of the State of Mississippi and has direct access into an industrial park within the state.

However, if the initial investments that a private company made in order to meet the definition of a high economic benefit project under this paragraph (c)(i) and in order to be approved for such project exceeded Fifty Million Dollars (\$50,000,000.00), or if subsequent to being approved for the initial project the same company and/or one or more other private companies made additional capital investments exceeding Fifty Million Dollars (\$50,000,000.00) in aggregate value in land, buildings, depreciable fixed assets and improvements physically attached to or forming a part of the initially planned site development, then an amount equal to fifty percent (50%) of all such investments that exceeds Fifty Million Dollars (\$50,000,000.00) shall be subtracted from the Sixty Million Dollars (\$60,000,000.00) in aggregate value of new investments required under this paragraph (c)(vii);

(d) "Political subdivision" means one or more counties or incorporated municipalities in the state, or a state-owned port located in a county bordering on the Gulf of Mexico;

(e) "Private company" means:

(i) Any agricultural, aquacultural, maricultural, processing, distribution, warehousing, manufacturing, transportation, tourism or research and development enterprise;

(ii) Any air transportation and maintenance facility, regional shopping mall, hospital, large hotel, resort or movie industry studio;

(iii) The federal government with respect to any specific project which meets the criteria established in paragraph (c)(i) of this subsection;

(iv) Any existing or proposed industry in regard to a project described in paragraph (c)(v) of this subsection;

(v) A developer with respect to any specific project which meets the criteria established in paragraph (c)(vi) of this subsection; or

(vi) A tourism project approved by the board;

(f) "Master planned community" shall have the same meaning as that term is defined in Section 19-5-10.

(2) The Mississippi Department of Transportation is hereby authorized to purchase rights-of-way and construct and maintain roads and highways authorized to be constructed pursuant to this chapter.

SOURCES: Laws, 1988, ch. 565, § 3; Laws, 1989, ch. 524, § 27; Laws, 1990, ch. 502, § 12; Laws, 1990, ch. 580, § 2; Laws, 1992, ch. 493, § 1; Laws, 1995, ch. 548, § 8; Laws, 1997, ch. 537, § 1; Laws, 1999, ch. 579, § 19; Laws, 2000, ch. 440, § 1; Laws, 2000, ch. 590, § 2; Laws, 2003, ch. 443, § 1; Laws, 2004, ch. 594, § 1; Laws, 2007, ch. 409, § 1; Laws, 2009, ch. 557, § 26; Laws, 2010, ch.

Amendment Notes — The 2013 amendment deleted “This subparagraph (x) shall stand repealed from and after July 1, 2013” from the end of (1)(c)(x).

CHAPTER 7

Public Roads and Streets; Private Way

Article 1.	Public Roads and Streets	65-7-1
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ARTICLE 1.

PUBLIC ROADS AND STREETS.

Mississippi Highway Patrol Fallen Officer’s Memorial Highway Act	65-7-151
Mississippi Congressional Medal of Honor Recipient’s Memorial Highway Act	65-7-171

MISSISSIPPI HIGHWAY PATROL FALLEN OFFICER’S MEMORIAL
HIGHWAY ACT

SEC.	
65-7-151.	Short title.
65-7-153.	Designation of public street, road, highway or interstate upon which Highway Safety Patrol officer was killed in the line of duty as memorial roadway.

§ 65-7-151. Short title.

Sections 65-7-151 and 65-7-153 shall be known and may be cited as the “Mississippi Highway Patrol Fallen Officer’s Memorial Highway Act.”

SOURCES: Laws, 2013, ch. 342, § 1, eff from and after July 1, 2013.

§ 65-7-153. Designation of public street, road, highway or interstate upon which Highway Safety Patrol officer was killed in the line of duty as memorial roadway.

(1) The Mississippi Highway Safety Patrol within the Department of Public Safety, in conjunction with the Mississippi Department of Transportation, is authorized to designate any segment of any public street, road, highway or interstate within the state upon which any member of the Mississippi Highway Safety Patrol has fallen in the line of duty as a memorial roadway in such officer’s honor, provided that such memorial roadway shall not extend more than five (5) miles in each southern and northern or eastern and western direction of the location in which the fallen member of the Mississippi Highway Safety Patrol fell.

(2) The Department of Public Safety shall notify the Mississippi Department of Transportation of the site of such officer who was killed in the performance of his or her official duties, and the Mississippi Department of Transportation shall erect and maintain appropriate signs with a distinctive marker along and approaching the segment of roadway denoting the site of the fallen officer's death. The distinctive marker shall be designed by the Department of Public Safety with the advice and recommendation of the Mississippi State Troopers' Association.

(3) The funding for the distinctive markers shall be made from any funds appropriated by the Legislature to the Department of Public Safety or from any gifts, grants or donations received by the Department of Public Safety for the purpose of providing the distinctive markers.

(4) This section shall apply to all Mississippi Highway Safety Patrol officers who have given their lives in the performance of their official duties after July 1, 1938.

SOURCES: Laws, 2013, ch. 342, § 2, eff from and after July 1, 2013.

Cross References — Certain restrictions on designations for highways, roads, streets and bridges inapplicable to this section, see § 65-3-38.1.

MISSISSIPPI CONGRESSIONAL MEDAL OF HONOR RECIPIENT'S MEMORIAL HIGHWAY ACT

SEC.	
65-7-171.	Short title.
65-7-173.	Placement and maintenance of signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient."

§ 65-7-171. Short title.

Sections 65-7-171 and 65-7-173 shall be known and may be cited as the "Mississippi Congressional Medal of Honor Recipient's Memorial Highway Act."

SOURCES: Laws, 2013, ch. 346, § 1, eff from and after July 1, 2013.

§ 65-7-173. Placement and maintenance of signs designating memorial highways named after recipients of the Congressional Medal of Honor to include the words "Congressional Medal of Honor Recipient."

On any segment of any public street, road, highway or interstate within the state that is named after a person who was awarded a Congressional Medal of Honor, the Department of Transportation shall erect and maintain the signs designating the memorial highway with the words "Congressional Medal of Honor Recipient." Any such signs that do not contain those words shall be replaced by new signs to comply with Sections 65-7-171 and 65-7-173.

Sections 65-7-171 and 65-7-173 shall also apply to bridges or intersections that are part of a public street, road, highway or interstate within this state.

SOURCES: Laws, 2013, ch. 346, § 2, eff from and after July 1, 2013.

CHAPTER 18

Local System Road Program

SEC.

65-18-7. Program administered by State Aid Engineer; powers and duties of State Aid Engineer.

§ 65-18-7. Program administered by State Aid Engineer; powers and duties of State Aid Engineer.

The Local System Road Program shall be administered by the State Aid Engineer. In administering the program, the State Aid Engineer shall have the following powers and duties:

(a) To supervise the use of all funds made available for the purposes of this chapter for use on local system roads in the State of Mississippi;

(b) To allocate to each county that county's share of all monies made available under the provisions of this chapter but only when the county has complied with the provisions of this chapter and only when the county is eligible for the allocation of monies under the Local System Road Program;

(c) To keep and compile records of all expenditures on local system roads to which money is disbursed under the provisions of this chapter, which records must be kept separate and apart from other state aid records;

(d) To approve the construction of local system roads, including roadbeds, grades and drainage, before authorizing the release of funds under this chapter;

(e) To establish such rules and regulations as the State Aid Engineer determines as necessary to implement the provisions of the Local System Road Program; and

(f) To report to the Legislature, no later than January 1 of each year, on the Local System Road Program. Such report shall include what projects were approved and constructed, the number of miles constructed or improved and the cost per mile for such construction and improvement.

SOURCES: Laws, 2001, ch. 492, § 4, eff from and after July 1, 2001.

Editor's Note — Set out to correct an error in the 2012 Replacement Volume.

CHAPTER 21

Bridges; General Provisions

§ 65-21-1. Width of bridges and culverts.

JUDICIAL DECISIONS

1. In general.

Mississippi Department of Transportation (MDOT) was not immune in a wrongful death claim alleging that a failure to place warning signs around a highway culvert, as required by Miss. Code Ann. § 65-21-1, resulted in an auto accident that caused the decedent's death because § 65-21-1 imposed a ministerial duty, and, as Miss. Code Ann. § 63-3-301 and Miss. Code Ann. § 63-3-303 included no language suggesting abrogation or repeal of § 65-21-1, that section-narrowly, pre-

cisely, and specifically requiring warning posts around culverts-remained in effect as an exception to the general rule of § 63-3-303 that the MDOT had discretion over such placement; Miss. Code Ann. § 65-21-1 controlled the specific issue of guide and warning posts around culverts, and § 63-3-303 controlled the discretionary placement of traffic devices that were not the subject of a specific statutory mandate. *Miss. DOT v. Nosef*, 110 So. 3d 317 (Miss. 2013).

CHAPTER 41

Mississippi Scenic Byways

Article 3. Designations of Official Mississippi Scenic Byways 65-41-51

ARTICLE 3.

DESIGNATIONS OF OFFICIAL MISSISSIPPI SCENIC BYWAYS.

SEC.

- 65-41-67. "Noxubee Hills Route" Scenic Byway designated.
 65-41-69. "Delta Bluffs Scenic Byway" designated.
 65-41-71. "Gateway to History" scenic byway designated.

§ 65-41-67. "Noxubee Hills Route" Scenic Byway designated.

The following highways and roads located in Choctaw, Winston and Noxubee Counties in Mississippi are hereby designated as an official Mississippi Scenic Byway to be known as the "Noxubee Hills Route" pursuant to Section 65-41-1 et seq.:

The Noxubee Hills Route begins at the intersection of the Choctaw Lake Road with Mississippi Highway 15 in the SE ¼, S4, T16N, R11E, Choctaw County, Mississippi, and runs in an easterly and northeasterly direction along the said Choctaw Lake Road to cross the dam of Choctaw Lake, located in the Tombigbee National Forest, to the intersection with the Webster Road in the Northeast ¼, of S2, T16N, R11E, Choctaw County. Thence, the route runs in an easterly direction along the Choctaw Lake Road to intersect the Choctaw/Winston County line near the Northwest corner of S6, T16N, R12E, in Winston

County where the route becomes known as the Gumbranch-Ackerman Road in Winston County. Thence, the route runs in a southeasterly direction along the Gumbranch-Ackerman Road to intersect the Sturgis Road in the West ½ of S15, T16N, R12E, in Winston County. Thence, the route runs in a southeasterly direction along the Gumbranch-Hwy 25 Road to an intersection with Mississippi Hwy 25 at or near the Northwest corner of S28, T16N, R13E, in Winston County. Thence, the route runs in an easterly and northeasterly direction along the Bluff Lake Road to the Winston/Noxubee County line on the West line of S6, T16N, R15E, in Noxubee County. Thence, the route runs in an easterly direction along a Noxubee County route (CR-234) to intersect with the Levee (CR-267) and Bluff Lake (CR-266) Roads near the West line of S4, T16N, R15E, in Noxubee County and in the Sam D. Hamilton Noxubee National Wildlife Refuge. Thence, the route runs in a southerly direction along the Bluff Lake Road (CR-266) to intersect the Lynn Creek Road (CR-223) at or near the North line of S21, T16N, R15E, in Noxubee County. Thence, the route runs in an easterly direction along Lynn Creek Road (CR-223) to ultimately intersect US Hwy 45 in Brooksville, Mississippi, at or near the Northeast corner of S20, T16N, R17E, in Noxubee County, Mississippi. The Noxubee Hills Route runs approximately forty three (43) miles and serves parts of Choctaw, Winston, and Noxubee Counties in Mississippi.

SOURCES: Laws, 2013, ch. 318, § 1, eff from and after July 1, 2013.

§ 65-41-69. “Delta Bluffs Scenic Byway” designated.

The following highways, roads or streets located in the State of Mississippi are hereby designated in the following three (3) segments as an official Mississippi Scenic Byway to be known as the “Delta Bluffs Scenic Byway” pursuant to Section 65-41-1 et seq.:

(a) Northern Branch: Beginning at the intersection of Austin Road and Mississippi Highway 301 and continuing westward to the intersection of Delta View Road and Austin Road; then north along Delta View Road to the Great River Road National Scenic Byway (connectivity through the Town of Walls via Delta View Road, U.S. Highway 161 and 2nd Street);

(b) Central Branch: Beginning at the intersection of Mississippi Highway 301 and Austin Road and continuing south along Mississippi Highway 301 to Arkabutla Lake; and

(c) East-West Branch: Beginning at the intersection of Old Mississippi Highway 304 and Interstate 55 in Hernando and continuing westward to Bluff Road.

SOURCES: Laws, 2013, ch. 313, § 1, eff from and after passage (approved March 7, 2013); Laws, 2013, ch. 337, § 1, eff from and after passage (approved March 14, 2013.)

Editor’s Note — Laws of 2013, ch. 313, § 1 [effective from and after passage (approved March 7, 2013)] and Laws of 2013, ch. 337, § 1 [effective from and after passage (approved March 14, 2013)] enacted identical sections.

§ 65-41-71. “Gateway to History” scenic byway designated.

The following highways located in the State of Mississippi are hereby designated as an official Mississippi Scenic byway to be known as the “Gateway to History,” pursuant to Section 65-41-1 et seq., Mississippi Code of 1972:

(a) Segment 1: Beginning at the intersection of Highway 463 and Reunion Parkway and traveling north along Highway 463 for four and eight-tenths (4.8) miles to the intersection of Highway 22.

(b) Segment 2: Begin at the corner of Highway 463 and Highway 22 and continue west for eight and seven-tenths (8.7) miles to the Petrified Forest in the Town of Flora.

(c) Segment 3: Begin at the corner of Highway 463 and Highway 22 and continue east for twelve and three-tenths (12.3) miles to the City of Canton. The roadway changes to four-lane for one and four-tenths (1.4) miles surrounding the I-55 Canton interchange which is excluded and resumes for one and four-tenths (1.4) miles to the City of Canton.

(d) Segment 4: Begin at the intersection of Highway 51 and Highway 22 in Canton and travel for one and seven-tenths (1.7) miles. At the intersection of Highway 16 (Highway 22 becomes Highway 16) turn right on Highway 43 and travel for six and seven-tenths (6.7) miles to the Natchez Trace.

SOURCES: Laws, 2013, ch. 312, § 1, eff from and after passage (approved Mar. 7, 2013.)

§ 65-43-3. Authority of Transportation Commission, counties and municipalities to contract with companies for financing, constructing, operating or maintaining toll roads or toll bridges; requests for proposals; rights and responsibilities of parties to contracts; collection of tolls; applicability of traffic regulations to motor vehicles operated on toll roads and toll bridges; immunity from liability.

Cross References — State agencies and public officials providing information about the agency or office to the public on a website are required to regularly review and update that information, see § 25-1-117.

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